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DEC 23 2002  
U.S. PATENT AND TRADEMARK OFFICE  
RCE  
366  
1/21/03  
KJH

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Investors Protection Act of 1999 (AIPA)

<i>Application Number</i>	08/976,440
<i>Filing Date</i>	November 25, 1997
<i>First Named Inventor</i>	David B. Smith
<i>Group Art Unit</i>	3663
<i>Examiner Name</i>	Nelson Moskowitz
<i>Attorney Docket Number</i>	8830-103 (Formerly MUR-3494)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

**1. Submission required under 37 C.F.R. § 1.114**

a.  Previously submitted

i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed \_\_\_\_\_

ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply

12/24/2002 AWONDAF1 00000161 08976440

ii.  Affidavit(s)/Declaration(s)

01 FC:2801

370.00 OP

iii.  Information Disclosure Statement (IDS)

iv.  Other Petition for Extension of Time - 3 months (37 C.F.R. 1.136(a))

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**GROUP 3600**

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

i.  RCE fee required under 37 C.F.R. § 1.17(e) - Applicant is a small entity.

ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) for three months - Applicant is a small entity.

iii.  Other \_\_\_\_\_

a.  The Director is hereby authorized to charge the indicated fees to Deposit Account

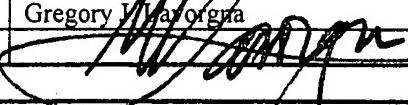
No. \_\_\_\_\_

b.  A check in the amount of \$ 830.00 \_\_\_\_\_ is enclosed to cover the indicated fees.

c.  Payment by credit card (Form PTO-2038 enclosed)

d.  Please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-0573.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Gregory J. Marogna	Registration No. (Attorney/Agent)	30,469
Signature		Date	December 17, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231

Name (Print/Type)	Katie Keogh	Date	December 17, 2002
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of Group Art Unit:  
David B. Smith 3663  
Serial No.: 08/976,440 Examiner:  
Filed: November 25, 1997 Nelson Moskowitz  
For: TRANSMISSION OF DATA IN Attorney Docket No.:  
BOREHOLES 8830-103  
(Formerly MUR-3494)

**RESPONSE TO FINAL OFFICE ACTION**  
**UNDER 37 C.F.R. § 1.116**

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**GROUP 36C**

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Final Office Action mailed June 21, 2002 with regard to the above-identified application. Submitted herewith is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. It is requested that the finality of the Office Action be withdrawn. The RCE and this response are being filed with a request and fee to extend the shortened period by three months to December 21, 2002.

A check in the amount of \$370.00 is enclosed to cover the small entity fees for the RCE. Authorization is provided to charge any additional fee, or to credit any over-payment, to Deposit Account No. 50-0573.

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, D.C. 20231.

BY \_\_\_\_\_

Katie Keogh  
DATE: December 17, 2002